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September 1951

UNITED STATES DEPARTMENT OF AGRICULTURE  
Production and Marketing Administration  
Grain Branch  
Washington 25, D. C.

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT  
(July 1, 1950, to June 30, 1951 (218-245))

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533 P942

218. False labeling of lespedeza seed. Excessive noxious-weed seeds. U. S. v. Stegall & Company, Inc., Marshville, North Carolina. Plea of nolo contendere. Fine \$300. (FS 546)

Stegall & Company, Inc., Marshville, North Carolina, on February 16, 1949, delivered for transportation in interstate commerce from Marshville, North Carolina, to Ada, Oklahoma, 40 bags of lespedeza seed.

Information was filed in the District Court of the United States for the Western District of North Carolina alleging that Stegall & Company, Inc., Marshville, North Carolina, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, dodder, at the rate of 96 per pound; whereas, the seed was found to contain dodder seeds at the rate of 1,296 per pound. Agricultural seed containing in excess of 200 dodder seeds per pound is prohibited from sale in the State of Oklahoma and, therefore, prohibited from shipment into that State under the Federal Seed Act.

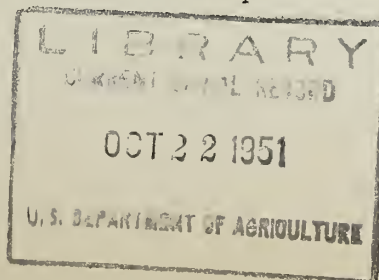
On October 3, 1950, Stegall & Company, Inc., Marshville, North Carolina, entered a plea of nolo contendere and the Court imposed a fine of \$300.

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219. False and incomplete labeling of alsike and timothy seed and millet seed. Excessive noxious-weed seeds. U. S. v. American Field Seed Company, Inc., Chicago, Illinois. Plea of guilty. Fine \$200 and costs. (FS 547)

The American Field Seed Company, Inc., Chicago, Illinois, on February 1, 1949, delivered for transportation in interstate commerce from Chicago, Illinois, to Wayzata, Minnesota, one bag of alsike and timothy seed and on February 16, 1949, delivered for transportation in interstate commerce from Chicago, Illinois, to Goodland, Indiana, two bags of millet seed.

Information was filed in the District Court of the United States for the Northern District of Illinois alleging that the American Field Seed Company, Inc., Chicago, Illinois, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.



A label attached to the bag of alsike and timothy seed failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, Frenchweed and hoary alyssum, at the rate of 54 per pound. Agricultural seed containing Frenchweed seed and hoary alyssum seed at a rate in excess of 25 per pound is prohibited from sale in the State of Minnesota and, therefore, prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the bags of millet seed represented the seed to consist, in part, of 97.12 percent pure seed and 1.64 percent weed seed; whereas, the seed was found to consist, in part, of 95.64 percent pure seed and 4.21 percent weed seed.

On December 11, 1950, the American Field Seed Company, Inc., Chicago, Illinois, entered a plea of guilty and the court imposed a fine of \$200 and costs.

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220. False labeling of "Pasture Mixture" seed and red clover seed. U. S. v. Arthur R. Cone, Inc., Buffalo, New York. Plea of guilty. Fine \$300 (TS 550)

Arthur R. Cone, Inc., Buffalo, New York, on March 15, 1948, delivered for transportation in interstate commerce from Buffalo, New York, to Bridgewater, Massachusetts, two bags of "Pasture Mixture" seed and two bags of red clover seed; and on March 22, 1948, delivered for transportation in interstate commerce from Buffalo, New York, to Cambridge, Massachusetts, two bags of red clover seed.

Information was filed in the District Court of the United States for the Western District of New York alleging that Arthur R. Cone, Inc., Buffalo, New York, unlawfully delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the bags of "Pasture Mixture" seed represented the seed to consist, in part, of 64.24 percent orchard grass seed, 26.73 percent ladino clover seed, and 6.98 percent inert matter; whereas, the seed was found to consist, in part of 75.92 percent orchard grass seed, 14.49 percent ladino clover seed, and 9.05 percent inert matter.

Labels attached to the bags of red clover seed failed to indicate the presence of noxious-weed seeds; whereas, the seed in one shipment was found to contain the noxious-weed seed, buckhorn plantain, at the rate of 16 per ounce and in the other shipment at the rate of 7 per ounce.

On July 17, 1950, Arthur R. Cone, Inc., Buffalo, New York, entered a plea of guilty and the court imposed a fine of \$300.

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221. False labeling of oat seed. U. S. v. Russell-Heckle Seed Company, Memphis, Tennessee. Plea of nolo contendere. Fine \$50 (FS 560)

Russell-Heckle Seed Company, Memphis, Tennessee, on or about September 9, 1949, delivered for transportation in interstate commerce from Memphis, Tennessee, to Parkin, Arkansas, five bags of oat seed.

Labels attached to the bags represented the seed to have a germination of 91 percent; whereas, the seed was found to have a germination of 35 percent in September 1949.

Information filed in the District Court of the United States for the Western District of Tennessee alleged that the Russell-Heckle Seed Company, Memphis, Tennessee, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

On September 7, 1950, the Russell-Heckle Seed Company, Memphis, Tennessee, entered a plea of nolo contendere and was adjudged guilty. The Court imposed a fine of \$50.

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222. False labeling of lespedeza seed. Excessive noxious-weed seeds. U. S. v. 8 bags of sericea lespedeza seed. Seed seized and ordered destroyed (FS 561)

The Howland Company, Athens, Georgia, sold for interstate shipment by the Stegall-Sylvest Seed Company, Montgomery, Alabama, from Amory, Mississippi, to Montgomery, Alabama, 200 bags of sericea lespedeza seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of 8 bags, more or less, of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, dodder, at the rate of 45 per pound; whereas, the seed was found to contain dodder seeds at the rate of 503 per pound. Agricultural seed containing in excess of 200 dodder seeds per pound is prohibited from sale in the State of Alabama and, therefore, prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On July 5, 1950, no claimant having appeared, the Court ordered the seed destroyed.

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223. False and incomplete labeling of orchard grass seed. Excessive noxious-weed seeds. U. S. v. four bags of orchard grass seed. Seed seized, recleaned, and relabeled to comply with the Federal Seed Act. (FS 562)

Wm. G. Scarlett & Company, Baltimore, Maryland, on March 28, 1950, delivered for transportation in interstate commerce from Baltimore, Maryland, to Gadsden, Alabama, five bags of orchard grass seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of four bags, more or less, of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, buckhorn plantain, at the rate of 400 per pound and failed to indicate the presence of the noxious-weed seed, sheep sorrel; whereas, the seed was found to contain buckhorn plantain seeds and sheep sorrel seeds at the rate of 821 and 27 per pound, respectively. Agricultural seed containing in excess of 500 of these noxious-weed seeds per pound is prohibited from sale in the State of Alabama and, therefore, prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

After being recleaned, on September 13, 1950, the seed was relabeled to comply with the Federal Seed Act in compliance with the court order.

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224. Incomplete labeling of ryegrass seed. Excessive noxious-weed seeds. U. S. v. Wm. G. Scarlett & Company, Baltimore, Maryland. Plea of guilty. Fine \$20 and costs. (FS 563)

Wm. G. Scarlett & Company, Baltimore, Maryland, on August 22, 1949, delivered for transportation in interstate commerce from Baltimore, Maryland, to Victoria, Virginia, five bags of ryegrass seed.

Information was filed in the District Court of the United States for the District of Maryland alleging that Wm. G. Scarlett and Company, Baltimore, Maryland, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, Canada thistle, at the rate of from 4 to 6 per ounce. Agricultural seed containing Canada thistle seed is prohibited from sale in the State of Virginia and therefore prohibited from shipment into that State under the Federal Seed Act.

On December 8, 1950, Wm. G. Scarlett & Company, Baltimore, Maryland, entered a plea of guilty and the Court imposed a fine of \$20 and costs.

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225. Incomplete labeling of lespedeza seed. U. S. v. Wallace Seed Company, Jackson, Tennessee. Plea of nolo contendere. Fine \$50. (FS 564)

The Wallace Seed Company, Jackson, Tennessee, on April 12, 1949, transported in interstate commerce from Jackson, Tennessee, to Tusculumbia, Alabama, 90 bags of lespedeza seed.

Information was filed in the United States District Court for the Western District of Tennessee alleging that the Wallace Seed Company, Jackson, Tennessee, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, dodder, horsenettle, and bracted plantain, at the rate of 54, 126, and 207 per pound, respectively.

On September 25, 1950, the Wallace Seed Company, Jackson, Tennessee, entered a plea of nolo contendere and the Court imposed a fine of \$50.

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226. False labeling of crested wheatgrass seed. U. S. v. N. Bonahoom Seed Company, Inc., Hastings, Nebraska. Plea of nolo contendere. Fine \$75 and costs. (FS 567)

N. Bonahoom Seed Company, Inc., Hastings, Nebraska, on September 30, and October 30, 1948, delivered for transportation in interstate commerce from Hastings, Nebraska, to Shoshone, Idaho, a total of 119 bags of crested wheatgrass seed.

Information was filed in the District Court of the United States for the District of Nebraska alleging that the N. Bonahoom Seed Company, Inc., Hastings, Nebraska, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 90 percent pure seed, 9.80 percent inert matter, and no weed seeds; whereas, the seed was found to consist, in part, of 41.65 percent pure seed, 57.20 percent inert matter, and 0.69 percent weed seed.

On November 27, 1950, N. Bonahoom Seed Company, Inc., Hastings, Nebraska, entered a plea of nolo contendere and the Court imposed a fine of \$75 and costs.

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227. False labeling of rough bluegrass seed. U. S. v. L. Teweles Seed Company, Inc., Milwaukee, Wisconsin. Plea of guilty. Fine \$50. (FS 568)

L. Teweles Seed Company, Inc., Milwaukee, Wisconsin, on September 8, 1949, delivered for transportation in interstate commerce from Milwaukee, Wisconsin, to Grand Rapids, Michigan, four bags of rough bluegrass seed.

Information was filed in the District Court of the United States for the Eastern District of Wisconsin alleging that the L. Teweles Seed Company, Inc., Milwaukee, Wisconsin, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.



Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed when tested in October 1949 was found to have a germination of 38 percent. Three bags tested individually were found to have germinations of 33 percent, 38 percent, and 50 percent.

On October 16, 1950, L. Teweles Seed Company, Inc., Milwaukee, Wisconsin, entered a plea of guilty and on December 12, 1950, the Court imposed a fine of \$50.

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228. False labeling of crimson clover seed. Excessive noxious-weed seeds. U. S. v. 41 bags of crimson clover seed. Seed reprocessed and relabeled. (FS 569)

T. W. Wood & Sons, Richmond, Virginia, on September 8, 1950, delivered for transportation in interstate commerce from Newport News, Virginia, to Anniston, Alabama, 364 bags of crimson clover seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of 41 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seeds, sheep sorrel and dock, at the rate of 80 and 112 per pound, respectively; whereas, the seed was found to contain these noxious-weed seeds at the rate of 324 and 351 per pound, respectively. In addition, agricultural seed containing in excess of 500 of these noxious-weed seeds per pound is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On November 21, 1950, the Court ordered the seed reprocessed and relabeled to comply with the Federal Seed Act.

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229. False labeling of oat seed. U. S. v. 68 bags of oat seed. Seed seized and ground for feed. (FS 570)

A. N. Levin, Chattanooga, Tennessee, on August 25, 1950, transported in interstate commerce from Chattanooga, Tennessee, to Carrollton, Alabama, 100 bags of oat seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of 68 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist of 98.47 percent Victorgrain oat seed and to contain the noxious-weed seed, corncockle, at the rate of 9 per pound; whereas, the seed was found to consist, in part of 87.18 percent Victorgrain oat seed and 10.82 percent other varieties of oat seed and to contain the noxious-weed seeds, wild onion, cheat and bottlebrush plantain, at the rate of 11, 11, and 15 per pound, respectively. The seed was seized by the United States marshal.

On April 5, 1951, the Court ordered the seed released to the claimant to be relabeled to comply with the Federal Seed Act. The seed was ground for feed.

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230. False labeling of barley seed. Excessive noxious-weed seeds. U. S. v. 10 bags of barley seed. Seed seized and ordered destroyed. (FS 571)

E. K. Hardison Seed Company, Nashville, Tennessee, on September 22, 1950, delivered for transportation in interstate commerce from Nashville, Tennessee, to Selma, Alabama, 10 bags of barley seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, wild onion, at the rate of 20 per pound; whereas, the seed was found to contain the noxious-weed seeds, wild onion and cheat, at the rate of 45 and 46 per pound, respectively. In addition, agricultural seed containing in excess of 27 wild onion per pound is prohibited from sale in the State of Alabama and, therefore, prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal..

On April 6, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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231. False labeling of oat seed. U. S. v. 28 bags of oat seed. Seed seized and released to a State institution. (FS 572)

Ruhmann Grain and Seed Company, Waco, Texas, on August 29, 1950, delivered for transportation in interstate commerce from Waco, Texas, to Montgomery, Alabama, 315 bags of oat seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 28 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in October 1950 was found to have a germination of 52 percent. The seed was seized by the United States marshal.

On December 12, 1950, no claimant having appeared, the Court ordered the seed turned over to a State institution to be used for animal feed only.

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232. False labeling of oat seed. U. S. v. 45 bags of oat seed. Seed seized and ground for feed. (FS 573)

Dawson Cotton Oil Company, Dawson, Georgia, delivered for transportation in interstate commerce from Dawson, Georgia, to the Segrest Feed and Seed Store, Slocumb, Alabama, 120 bags of oat seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 45 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 98.75 percent pure Fulgrain oat seed; whereas, the seed was found to consist, in part, of 78.71 percent Fulgrain variety of oat seed and 20 percent Victor-grain variety of oat seed. In addition, the labels did not show the name and address of the interstate shipper, or in lieu thereof, the name and address of the consignee together with a code designation identifying the shipper. The seed was seized by the United States marshal.

On January 29, 1951, the Court ordered the oat seed ground into feed.

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233. False labeling of rye seed. U. S. v. 45 bags of rye seed. Seed seized and ground for feed. (FS 574)

Wm. G. Scarlett & Company, Baltimore, Maryland, on September 13, 1950, delivered for transportation in interstate commerce from Baltimore, Maryland, to the Capitol Grain and Feed Company, Montgomery, Alabama, 286 bags of rye seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 45 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 75 percent; whereas, the seed when tested in October 1950 was found to have a germination of 49 percent. The seed was seized by the United States marshal.

On January 9, 1951, the Court ordered the rye seed reprocessed and on February 7, 1951, it was ground for feed.

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234. False labeling of alfalfa seed. U. S. v. 248 bags of alfalfa seed. Seed seized and relabeled to comply with the Federal Seed Act. (FS 579)

Grand Island Seed Company, Grand Island, Nebraska, on December 28, 1950, transported in interstate commerce from Grand Island, Nebraska, to Sioux City, Iowa, 100 bags (15,000 pounds) of alfalfa seed, and the Lincoln Seed & Feed Company, Sioux City, Iowa, on January 12, 1951, transported from Sioux City, Iowa, to Brookings, South Dakota, the same 100 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the District of South Dakota praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipments of this seed represented the seed to be of Nebraska origin; whereas, the seed was found to consist, in part, of seed not of Nebraska origin. The seed was seized by the United States marshal.

On May 29, 1951, the Court ordered the seed relabeled to comply with the Federal Seed Act.

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235. False labeling of alfalfa seed. U. S. v. 267 bags of alfalfa seed. Seed seized, stained 10 percent red, relabeled, and exported. (FS 581)

M. G. Stoller, Paulding, Ohio, on January 25, 1951, delivered for transportation in interstate commerce from Latty, Ohio, to St. Paul, Minnesota, 267 bags (40,050 pounds) of alfalfa seed.

A libel was filed in the District Court of the United States for the District of Minnesota praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment of this seed represented the seed to be of Canadian origin; whereas, the seed was found to consist, in part, of seed not of Canadian origin. The seed was seized by the United States marshal.

On April 28, 1951, the seed was stained 10 percent red, relabeled, and exported in compliance with the Court order.

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236. False labeling of alfalfa seed. U. S. v. 978 bags of alfalfa seed. Seed seized, stained 10 percent red, relabeled, and exported. (FS 586).

Northwest Cooperative Mills, St. Paul, Minnesota, between December 27, 1950, and January 27, 1951, delivered for transportation in interstate commerce from St. Paul, Minnesota, to various locations in Wisconsin and Iowa and then had returned to St. Paul, Minnesota, a total of 1008 bags (60,480 pounds) of alfalfa seed.

A libel was filed in the District Court of the United States for the District of Minnesota praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to be of Canadian origin; whereas, the seed was found to consist, in part, of seed not of Canadian origin. One thousand and eight bags of the seed were seized by the United States marshal.

On April 17, 1951, the seed was stained 10 percent red, relabeled, and exported in compliance with the Court order.

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237. Failure to label, false labeling, and false advertising of alfalfa seed. U. S. v. 11 bags, 16 bags, 21 bags, and 14 bags of alfalfa seed. Seed seized and labeled to comply with the Federal Seed Act. (FS 588)

Between February 14, and February 21, 1951, Carl Skogman, Minneapolis, Minnesota, sold for interstate shipment and R. J. Hille, Frazee, Minnesota, transported in interstate commerce from Enderlin, North Dakota, to various locations in Minnesota at least 62 bags of alfalfa seed.



A libel was filed in the District Court of the United States for the District of Minnesota praying seizure of 62 bags of this seed and alleging same to be in violation of the Federal Seed Act.

No labels were attached to the bags as required under the Federal Seed Act. The seed was represented orally and by a grower's declaration to be of North Dakota origin; whereas, it was of California origin. The seed was seized by the United States marshal.

On April 12, 1951, the seed was labeled to comply with the Federal Seed Act.

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238. False and incomplete labeling of sweetclover seed and red clover seed. U. S. v. Great Plains Seed Company, Inc., Sioux Falls, South Dakota. Plea of guilty. Fine \$150. (FS 596)

Great Plains Seed Company, Inc., Sioux Falls, South Dakota, between December 19, 1949, and February 28, 1950, delivered for transportation in interstate commerce from Sioux Falls, South Dakota, to Windom, Magnolia, and Tyler, Minnesota, a total of 25 bags of sweetclover seed and 20 bags of red clover seed.

Information was filed in the District Court of the United States for the District of South Dakota alleging that the Great Plains Seed Company, Sioux Falls, South Dakota, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to 15 bags of sweetclover seed represented the seed to consist, in part, of 0.50 percent weed seed and to have a germination of 80 percent and 5 percent hard seed or a total germination and hard seed percentage of 85; whereas, the seed when tested in February 1950 was found to consist, in part, of 1.57 percent weed seed and to have a germination of 62 percent with 3 percent hard seed remaining or a total germination and hard seed percentage of 65.

Labels attached to 10 bags of red clover seed represented the seed to consist, in part, of 99.32 percent pure seed, 0.19 percent other crop seed, and 0.19 percent weed seed; whereas, a sample representing the seed was found to consist, in part, of 92.76 percent pure seed, 6.34 percent sweetclover seed, and 0.62 percent weed seed. In addition, the labels bore, in part, the statement, "Noxious None"; whereas, the seed was found to contain the noxious-weed seed, dodder, at the rate of 63 per pound.

Labels attached to 10 bags of red clover seed represented the seed to consist, in part, of 99.32 percent pure seed, 0.19 percent other crop seed, and 0.19 percent weed seed; whereas, the seed was found to consist, in part, of 93.01 percent pure seed, 5.70 percent other crop seed, including 5.44 percent sweetclover seed, and 0.92 percent weed seed. In addition, the labels bore, in part, the statement, "Noxious None"; whereas, the seed was found to contain the noxious-weed seed, dodder, at the rate of 81 per pound.

Labels attached to 10 bags of sweetclover seed represented the seed to consist, in part, of 97.90 percent pure seed, 1.15 percent other crop seed, and 0.39 percent weed seed; whereas, the seed was found to consist, in part, of 95.80 percent pure seed, 2.05 percent other crop seed, and 1.65 percent weed seed.

On May 18, 1951, Great Plains Seed Company, Inc., Sioux Falls, South Dakota, entered a plea of guilty and the Court imposed a fine of \$150.

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239. False labeling of alfalfa seed. U. S. v. 80 bags more or less of alfalfa seed. Seed seized and relabeled to comply with the Federal Seed Act. (FS 601)

Burns Feed Company, Bountiful, Utah, on or about March 5, 1951, delivered for transportation in interstate commerce from Tremonton, Utah, to Burley, Idaho, 8,000 pounds of alfalfa seed.

A libel was filed in the District Court of the United States for the District of Idaho praying seizure of said seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment of seed represented the seed to be of Utah origin; whereas, the seed was of California origin. The seed was seized by the United States marshal.

On April 10, 1951, the Court ordered the seed relabeled to comply with the Federal Seed Act.

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240. Incomplete labeling of ryegrass seed. Excessive noxious-weed seeds. U. S. v. one bag of ryegrass seed. Seed seized and ordered destroyed. (FS 604)

Livingston Seed Company, Columbus, Ohio, on September 15, 1950, delivered for transportation in interstate commerce from Columbus, Ohio, to Charleston, West Virginia, one bag of ryegrass seed.

A libel was filed in the District Court of the United States for the District of West Virginia praying seizure of said one bag of ryegrass seed and alleging same to be in violation of the Federal Seed Act.

A label attached to the bag failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, quackgrass and Canada thistle, at the rate of 69 and 6 per ounce, respectively. Ryegrass seed containing these noxious-weed seeds is prohibited from sale in the State of West Virginia and, therefore, prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On April 16, 1951, the Court ordered the seed destroyed.

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241. False labeling of alfalfa seed. U. S. v. Joseph F. Vap, trading as the Beaver Valley Feed and Seed Company, Atwood, Kansas. Plea of guilty. Fine \$500. (FS 605)

Beaver Valley Feed and Seed Company, Atwood, Kansas, between December 1949 and February 1950, transported and delivered for transportation in interstate commerce from Atwood, Kansas, into Indiana, Ohio, Illinois, and Iowa, four separate shipments of alfalfa seed totaling 1,192 bags (156,366 pounds).

Information was filed in the District Court of the United States for the District of Kansas alleging that Joseph F. Vap, trading as the Beaver Valley Feed and Seed Company, Atwood, Kansas, did unlawfully transport and deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labeling accompanying the shipments of seed represented the seed to be of Kansas origin; whereas, the seed was not of Kansas origin. In addition, one count alleged that the Beaver Valley Feed and Seed Company unlawfully failed to make accessible for inspection by a duly authorized agent of the Secretary of Agriculture a complete record of the origin of these lots of seed.

On May 8, 1951, Joseph F. Vap, trading as the Beaver Valley Feed and Seed Company, Atwood, Kansas, entered a plea of guilty and the Court imposed a fine of \$500.

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242. False labeling of alfalfa seed. U. S. v. 300 bags of alfalfa seed. Seed seized, stained 10 percent red, relabeled, and exported. (FS 608)

N. G. Stoller, Paulding, Ohio, on March 14, 1951, delivered for transportation in interstate commerce from Paulding, Ohio, to Minneapolis, Minnesota, 300 bags of alfalfa seed.

A libel was filed in the District Court of the United States for the District of Minnesota praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling accompanying the shipment represented the seed to be of Canadian origin; whereas, the seed was found to consist, in part, of seed not of Canadian origin.

On June 6, 1951, the seed was stained 10 percent red, relabeled, and exported in compliance with the Court order.

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243. False labeling of crotalaria seed. U. S. v. 20 bags of crotalaria spectabilis seed. Seed seized and ordered destroyed. (FS 610)

W. H. Robinson, Inc., Cairo, Georgia, on March 14, 1951, transported in interstate commerce from Cairo, Georgia, to Slocumb, Alabama, 20 bags of crotalaria spectabilis seed.



A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of said seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 65 percent and 15 percent hard seed or a total germination and hard seed percentage of 80, and represented the seed to contain no weed seeds; whereas, the seed when tested in April 1951 was found to have a germination of 40 percent with 7 percent hard seed remaining or a total germination and hard seed percentage of 47 and was found to contain 3.22 percent weed seed. The seed was seized by the United States marshal.

On June 26, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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244. False labeling of millet seed. U. S. v. 23 bags of millet seed. Seed seized and ordered destroyed. (FS 619)

Adams-Briscoe Seed Company, Jackson, Georgia, on February 14, 1951, delivered for transportation in interstate commerce from Jackson, Georgia, to Dothan, Alabama, 50 bags of millet seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 23 bags of said seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed when tested in April 1951 was found to have a germination of 49 percent. The seed was seized by the United States marshal.

On June 26, 1951, no claimant having appeared, the Court ordered the seed destroyed.

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245. Incomplete labeling of ryegrass seed. Excessive noxious-weed seeds. U. S. v. three bags of ryegrass seed. Seed seized and ordered destroyed. (FS 622)

Livingston Seed Company, Columbus, Ohio, on September 1, 1950, delivered for transportation in interstate commerce from Columbus, Ohio, to Clarksburg, West Virginia, five bags of ryegrass seed.

A libel was filed in the District Court of the United States for the Northern District of West Virginia praying seizure of three bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, quackgrass and Canada thistle, at the rate of 43 and 2 per ounce, respectively. Agricultural seed containing these noxious-weed seeds is prohibited from sale in the State of West Virginia and, therefore, prohibited from shipment into that State under the Federal Seed Act.

On June 1, 1951, the Court ordered the seed destroyed.

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